(2) (4)

CF 1087

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO.6636 OF 2006

PETITIONER: PLANTIFF

Shayam Lal Sahu, Aged About- 40 years, S/o-Shri Daduram Sahu, R/o- Thana & Thesil- Masturi, Distt.- Billaspur (C.G.)

VERSUS

RESPONDENT (S): DEFENDANT

1. Motilal Satnami, Aged About- 72 years, S/o- Shri Bhukal Satnami, Occupation- Agriculture, R/0- Village- Kirari, Thseil- Masturi , Distt. Bilaspur (C.G.)

2. State of Chhattisgarh, through Collector- Bilaspur, Distt. Bilaspur (C.G.)

P.R. No. 6569/06
Present Vinay Pandey
dated 21/11/06

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA ~~FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC. OR DIRECTION / ORDER IN THE LIKE NATURE~~.

R. 24.11.06

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (29)

मामला क्रमांक W.P.6636/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8.1.2007: Shri Vinay Pandey counsel for the petitioner. The petitioner by way of this petition has impugned the order of annexure P-3 passed by the Additional District Judge, Bilaspur whereby Miscellaneous Civil Appeal preferred by the respondent No.1 against grant of temporary injunction has been allowed and the order of temporary injunction passed in favour of the petitioner has been set-aside. 2. Learned counsel for the petitioner submits that the petitioner purchased the said property from its recorded owner Ledhwa in the year 1995 and since then he was in possession thereof and considering this fact an order of temporary injunction was passed by the trial Court in his favour, however, the same has been set aside by the impugned order of Annexure P-3 which is patently illegal and liable to be quashed and the possession of the petitioner over the suit property should be protected. 3. I have heard counsel for the petitioner and perused the order impugned. 4. The Court below considering the fact that the land in question was restored to the respondent No.1 in compliance with the orders of the revenue officer and the respondent No.1 was in possession, the Court below has set aside the order of temporary injunction granted in favour of the petitioner. The order impugned has been passed absolutely in accordance with law in exercise of jurisdiction vested in the Court and as such there is no jurisdictional error committed by the Court below. 5. Thus, the petition being without substance is liable to be dismissed and the same is hereby dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.